

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

PAUL GRAHAM, #340-449	:	
Plaintiff	:	
	:	
v.	:	CIVIL ACTION NO. CCB-07-184
	:	
MR. GEORGE BUSH, et al.,	:	
Defendants	:	

MEMORANDUM

On January 17, 2007, plaintiff, presently incarcerated at the Metropolitan Transition Center in Baltimore (“MTC”), filed a pro se civil rights action alleging a conspiracy on the part of state and federal officials and others to: (1) deny him the right to purchase bullet-proof body armor and a handgun; and (2) ban him from public housing due to a history of violent criminal behavior. He seeks to have the named defendants charged with “grand treason” and subjected to capital punishment. Paper No. 1. Although he has failed to pay the civil filing fee or submit an affidavit of indigency, plaintiff will be granted leave to file in forma pauperis pursuant to 28 U.S.C. § 1915(a).

The complaint will be dismissed pursuant to this court’s authority under 28 U.S.C. § 1915(e), because it fails to state a cognizable civil rights violation. Even if the court were to assume that a violent individual with a criminal history were entitled to purchase firearms and protective gear and live in public housing, plaintiff’s inference that denial of these “rights” came about due to a conspiracy involving the Republican Party, the President of the United States, and a Catholic cardinal is delusional and subject to dismissal under *Neitzke v. Williams*, 490 U.S.

319, 328 (1989) and *Nasim v. Warden, Maryland House of Correction*, 64 F.3d 951, 953 (4th Cir. 1995). Furthermore, plaintiff has no constitutional right to the criminal prosecution of other individuals. See *Linda R.S. v. Richard D, et al.*, 410 U.S. 614, 619 (1973).

The Prison Litigation Reform Act (“PLRA”), codified at 28 U.S.C. 1915(e), provides that:

Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that --

- (A) the allegation of poverty is untrue; or
- (B) the action or appeal --
 - (I) is frivolous or malicious;
 - (ii) fails to state a claim on which relief may be granted; or
 - (iii) seeks monetary relief against a defendant who is immune from such relief.

In addition, 28 U.S.C. 1915 (g) mandates that:

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

Thus, once three such dismissals under § 1915(e) or Fed. R. Civ. P. 12(b)(6) have been accumulated, a prisoner will be barred thereafter from initiating further civil actions *in forma pauperis*, absent extraordinary circumstances.¹ This dismissal constitutes plaintiff’s third

¹ Of course, this provision does not preclude an inmate from prepaying the full \$350.00 fee to refile claims previously rejected under § 1915(g) or to file future civil actions.

“strike.”² A separate Order shall be entered in accordance with the opinion set forth above.

January 30, 2007
Date

/s/
Catherine C. Blake
United States District Court Judge

² See *Graham v. Maryland*, Civil Action No. CCB-04-3713 (D. Md.) and *Graham v. Judiciary*, Civil Action No. CCB-05-1217 (D. Md.).